AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1000

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: Insert after section 216 the following new sections (and conform the table of contents):

SEC. 217. PROPER ADMINISTRATION OF INTERNAL REVENUE LAWS AND NONDISCRIMINATION REQUIREMENTS.

(a) IN GENERAL.—The Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Age Discrimination in Employment Act of 1967 shall be applied and administered without regard to proposed regulations of the Secretary of the Treasury, included in proposed regulations published in the Federal Register on December 11, 2002 (relating to reductions of accruals and allocations because of the attainment of any age; application of nondiscrimination cross-testing rules to cash balance plans) (67 FR 76123), which pertain to plan amendments adopting a cash balance formula, and without regard to any other regulation which reaches the same or a similar result. The Secretary of the Treasury shall take no action in contravention of section 204(b)(1)(G), 204(b)(1)(H)(i), or 204(g) of the Employee Retirement Income Security Act of 1974, section 411(b)(1)(G), 411(b)(1)(H)(i), or 411(d)(6) of the Internal Revenue Code of 1986, or section 4(i)(1)(A) of the Age Discrimination in Employment Act of 1967.

(b) DIRECTIVE.—The Secretary of the Treasury shall apply section 411(b)(1)(H) of the Internal Revenue Code of 1986 without regard to the portion of the preamble to Treasury Decision 8360 (56 Fed. Reg. 47524–47603, September 19, 1991) which relates to the allocation of interest adjustments through normal retirement age under a cash balance plan, as such preamble is and has been since its adoption without the force of law.

SEC. 218. PROTECTION OF PARTICIPANTS FROM CONVERSIONS TO HYBRID DEFINED BENEFIT PLANS.

(a) ELECTION TO MAINTAIN RATE OF ACCRUAL IN EFFECT BEFORE PLAN AMENDMENT.—

(1) AMENDMENT TO ERISA.—Section 204(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following new subparagraph:

''(I)(i) Notwithstanding the preceding subparagraphs, in the case of a plan amendment to a defined benefit plan—

''(I) which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations issued under clause (iv)), and

''(II) which has the effect of reducing the rate of future benefit accrual of 1 or more participants,

such plan shall be treated as not satisfying the requirements of this paragraph unless such plan meets the requirements of clause (ii).

''(ii) A plan meets the requirements of this clause if the plan provides each participant who has attained 40 years of age or 10 years of service (as determined under section 203) under the plan at the time such amendment takes effect with—

''(I) notice of the plan amendment indicating that it has such effect, including a comparison of the present and projected values of the accrued benefit determined both with and without regard to the plan amendment, and

''(II) an election upon retirement to either receive benefits under the terms of the plan as in effect at the time of retirement or to receive benefits under the terms of the plan as in effect immediately before the effective date of such plan amendment (taking into account all benefit accruals under such terms since such date).

''(iii) For purposes of clause (i), an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.

''(iv) The Secretary shall issue regulations under which any plan amendment which has an effect similar to the effect described in clause (i)(I) shall be treated as a plan amendment described in clause (i)(I). Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries that a plan amendment has an effect described in the preceding sentence, such plan amendment shall be treated as a plan amendment described in clause (i)(I).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE.—Section 411(b)(1) of the Internal Revenue Code of 1986 (relating to accrued benefit requirements for defined benefit plans) is amended by adding at the end the following new subparagraph:

''(I) ELECTION TO MAINTAIN RATE OF ACCRUAL IN EFFECT BEFORE CERTAIN PLAN AMENDMENTS.—

''(i) IN GENERAL.—Notwithstanding the preceding subparagraphs, in the case of a plan amendment to a defined benefit plan—

''(I) which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations issued under clause (iv)), and

''(II) which has the effect of reducing the rate of future benefit accrual of 1 or more participants,

such plan shall be treated as not satisfying the requirements of this paragraph unless such plan meets the requirements of clause (ii).

''(ii) REQUIREMENTS.—A plan meets the requirements of this clause if the plan provides each participant who has attained 40 years of age or 10 years of service (as determined under subsection (a)) under the plan at the time such amendment takes effect with—

''(I) notice of the plan amendment indicating that it has such effect, including a comparison of the present and projected values of the accrued benefit determined both with and without regard to the plan amendment, and

''(II) an election upon retirement to either receive benefits under the terms of the plan as in effect at the time of retirement or to receive benefits under the terms of the plan as in effect immediately before the effective date of such plan amendment (taking into account all benefit accruals under such terms since such date).

''(iii) TREATMENT OF EARLY RETIREMENT BENEFITS AND RETIREMENT-TYPE SUBSIDIES.—For purposes of clause (i), an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of subsection (d)(6)(B)(i)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.

''(iv) REGULATIONS.—The Secretary shall issue regulations under which any plan amendment which has an effect similar to the effect described in clause (i)(I) shall be treated as a plan amendment described in clause (i)(I). Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries that a plan amendment has an effect described in the preceding sentence, such plan amendment shall be treated as a plan amendment described in clause (i)(I).''.

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—The amendments made by this section apply to plan amendments taking effect before, on, or after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of a plan amendment taking effect before 90 days after the date of the enactment of this Act, the requirements of section 204(b)(1)(I) of the Employee Retirement Income Security Act of 1974 (as added by this section) and section 411(b)(1)(I) of the Internal Revenue Code of 1986 (as added by this section) shall be treated as satisfied in connection with such plan amendment, in the case of any participant described in such sections 204(b)(1)(I) and 411(b)(1)(I) in connection with such plan amendment, if, as of the end of such 90-day period—

(A) the notice described in clause (i)(I) of such section 204(b)(1)(I) and clause (i)(I) of such section 411(b)(1)(I) in connection with such plan amendment has been provided to such participant, and

(B) the plan provides for the election described in clause (i)(II) of such section 204(b)(1)(I) and clause (i)(II) of such section 411(b)(1)(I) in connection with such participant's retirement under the plan.

SEC. 219. PREVENTION OF WEARING AWAY OF EMPLOYEE'S ACCRUED BENEFIT.

(a) AMENDMENT TO ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following new paragraph:

''(6)(A) For purposes of paragraph (1), an applicable plan amendment adopted by a large defined benefit plan shall be treated as reducing accrued benefits of a participant if, under the terms of the plan after the adoption of the amendment, the accrued benefit of the participant may at any time be less than the sum of—

''(i) the participant's accrued benefit for years of service before the effective date of the amendment, determined under the terms of the plan as in effect immediately before the effective date, plus

''(ii) the participant's accrued benefit determined under the formula applicable to benefit accruals under the current plan as applied to years of service after such effective date.

''(B) For purposes of this paragraph—

''(i) The term 'applicable plan amendment' means a plan amendment which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations of the Secretary).

''(ii) The term 'large defined benefit plan' means any defined benefit plan which had 100 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

''(iii) An accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of paragraph

(2)(A)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE.—Section 411(d)(6) of the Internal Revenue Code of 1986 (relating to accrued benefit may not be decreased by amendment) is amended by adding at the end the following new subparagraph:

''(F) TREATMENT OF PLAN AMENDMENTS WEARING AWAY ACCRUED BENEFIT.—

''(i) IN GENERAL.—For purposes of subparagraph (A), an applicable plan amendment adopted by a large defined benefit plan shall be treated as reducing accrued benefits of a participant if, under the terms of the plan after the adoption of the amendment, the accrued benefit of the participant may at any time be less than the sum of—

''(I) the participant's accrued benefit for years of service before the effective date of the amendment, determined under the terms of the plan as in effect immediately before the effective date, plus

''(II) the participant's accrued benefit determined under the formula applicable to benefit accruals under the current plan as applied to years of service after such effective date.

''(ii) DEFINITIONS.—For purposes of this subparagraph—

''(I) APPLICABLE PLAN AMENDMENT.—The term 'applicable plan amendment' means a plan amendment which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations of the Secretary).

''(II) LARGE DEFINED BENEFIT PLAN.—The term 'large defined benefit plan' means any defined benefit plan which had 100 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

''(III) PROTECTED ACCRUED BENEFIT.—An accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of subparagraph (B)(i)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.''.

(c) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to plan amendments taking effect before, on, or after the date of the enactment of this Act.

(2) SPECIAL RULE.—Notwithstanding paragraph (1), the amendments made by this section shall not apply in connection with any participant with respect to any plan amendment which has taken effect before 90 days after the date of the enactment of this Act if, as of the end of such 90-day period, the plan provides that the participant's accrued benefit shall at no time be less than the sum described in section 204(g)(6)(A) of the Employee Retirement Income Security Act of 1974 (as added by this section) or section 411(d)(6)(F)(i) of the Internal Revenue Code of 1986 (as added by this section) in connection with such plan amendment.

H.R. 1000

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: Insert after section 216 the following new section (and conform the table of contents):

SEC. 217. CONVERSON OF RETIREMENT PLANS APPLICABLE TO MEMBERS OF CONGRESS TO CASH BALANCE PLANS UPON FINAL ISSUANCE OF CERTAIN REGULATIONS RELATING TO CASH BALANCE PLANS.

(a) RECOMMENDATIONS BY OFFICE OF PERSONNEL MANAGEMENT PROVIDING FOR CONVERSION OF RETIREMENT PLANS FOR MEMBERS OF CONGRESS TO CASH BALANCE PLANS.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall transmit to each House of the Congress draft legislative language and related regulations necessary to provide for conversion of the defined benefit portions of the retirement plans applicable to Members of Congress under chapters 83 and 84 of title 5, United States Code, to cash balance plans.

(b) ENACTMENT OF RECOMMENDATIONS UPON ISSUANCE OF FINAL REGULATIONS ON CASH BALANCE PLANS.—Effective on the later of—

(1) the date of the issuance by the Secretary of the Treasury in final form of proposed regulations published in the Federal Register on December 11, 2002 (relating to reductions of accruals and allocations because of the attainment of any age; application of nondiscrimination cross-testing rules to cash balance plans) (67 FR 76123), which pertain to plan amendments adopting a cash balance formula, or any other regulation which reaches the same or a similar result, or

(2) 30 days after the date of the enactment of this Act,

the draft legislative language transmitted pursuant to subsection (a) shall take effect as positive law, and the related regulations transmitted pursuant to subsection (a) shall take effect as final regulations thereunder.

(c) CASH BALANCE PLAN.—For purposes of this section, the term ''cash balance plan'' means a plan under which—

(1) the normal form of benefit is an immediate payment of the balance in a hypothetical account (without regard to whether such an immediate payment is actually made available), and

(2) the employer regularly credits the employer contributions as a percentage of pay, plus interest at a specified rate, into such hypothetical account which is nevertheless commingled with the hypothetical accounts for all participants and remains subject to investment decisions made solely by the employer.

H.R. 1527

OFFERED BY MR. UDALL OF COLORADO

AMENDMENT NO. 1: Page 2, after line 3, insert the following:

TITLE I—NATIONAL TRANSPORTATION SAFETY BOARD

Page 2, line 4, strike ''2'' and insert ''101''.
Page 3, line 3, strike ''3'' and insert ''102''.
Page 3, line 20, strike ''4'' and insert ''103''.
Page 5, line 6, strike ''5'' and insert ''104''.
Page 6, line 13, strike ''6'' and insert ''105''.
Page 6, after line 16, add the following:

TITLE II—APPLICABILITY OF SCHOOL BUS SAFETY STANDARDS

SEC. 201. PROHIBITION ON PURCHASE, RENTAL, OR LEASE OF NONCOMPLYING 15-PASSENGER VANS FOR USE AS SCHOOLBUSES.

(a) PROHIBITION.—Section 30112(a) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except as provided in this section''; and

(2) by adding at the end the following:

''(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a person may not purchase, rent, or lease any motor vehicle designed or used to transport 9 to 15 passengers that the person knows or reasonably should know will be used significantly to transport children from child care and preprimary, primary, and secondary school students to or from child care facilities, school, or an event related to school, unless the motor vehicle complies with the motor vehicle standards prescribed for schoolbuses under section 30125 of this title.''.

(b) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to any purchase, rental, or lease of a motor vehicle required under a contract entered into before the date of enactment of this Act.

SEC. 202. PENALTY.

Section 30165(a)(1) of title 49, United States Code, is amended—

(1) by striking ''A'' before ''person'' and inserting ''(A) Except as provided in subparagraph (B) of this paragraph, a''; and

(2) by adding at the end the following:

''(B) The maximum amount of a civil penalty under this paragraph shall be $25,000, in the case of—

''(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a schoolbus or schoolbus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

''(ii) a violation of section 30112(a)(2) of this title.

''(C) Subparagraph (B) does not affect the maximum penalty that may be imposed under subparagraph (A) for a related series of violations.

''(D) Notwithstanding section 3302(b) of title 31, penalties collected under subparagraph (B)—

''(i) shall be credited as offsetting collections to the account that funds the enforcement of subparagraph (B);

''(ii) shall be available for expenditure only to pay the costs of such enforcement; and

''(iii) shall remain available until expended.''.

H.R. 1527

OFFERED BY MR. UDALL OF COLORADO

AMENDMENT NO. 2: Page 2, after line 3, insert the following:

TITLE I—NATIONAL TRANSPORTATION SAFETY BOARD

Page 2, line 4, strike ''2'' and insert ''101''.
Page 3, line 3, strike ''3'' and insert ''102''.
Page 3, line 20, strike ''4'' and insert ''103''.
Page 5, line 6, strike ''5'' and insert ''104''.
Page 6, line 13, strike ''6'' and insert ''105''.
Page 6, after line 16, add the following:

TITLE II—ENHANCED VAN SAFETY

SEC. 201. DYNAMIC ROLLOVER TESTING PROGRAM.

(a) REQUIREMENT FOR ROLLOVER TESTING.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, under section 30117(c) of title 49, United States Code, shall—

(1) develop a dynamic test on rollovers by 15-passenger vans for the purposes of a consumer information program; and

(2) carry out a program of conducting such tests.

(b) AMENDMENT.—Section 30117(c) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''Not later than 2 years from the date of the enactment of this subsection,''; and

(2) in paragraph (3) by inserting after ''or less'' the following: '', and to vans designed or used to carry 9 to 15 passengers, including the driver, irrespective of gross vehicle weight rating''.

SEC. 202. NEW CAR ASSESSMENT PROGRAM.

The Secretary of Transportation shall require the testing of 15-passenger vans at various load condition levels as part of the rollover resistance program of the National

Highway Traffic Safety Administration's new car assessment program.

SEC. 203. TESTING AND EVALUATION OF VAN STABILITY TECHNOLOGICAL SYSTEMS.

(a) REQUIREMENT FOR TESTING AND EVALUATION.—The Secretary of Transportation shall test and evaluate various technological systems to determine the effectiveness of such systems in assisting drivers of 15-passenger vans to control the vans under conditions that cause vehicle rollover.

(b) SYSTEMS TESTED.—The technological systems tested and evaluated under this section shall include electronic stability control systems, rear-view mirror-based rollover warning systems, traction systems, lane departure systems, and antilock brakes.

(c) CONSULTATION.—The Secretary of Transportation shall consult with manufacturers of 15-passenger vans in the testing and evaluation of technological systems under this section.

SEC. 204. APPLICATION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule initiated pursuant to the proposed rulemaking published in the Federal Register on January 11, 2001, Docket No. FMCSA–2000–7017, relating to the application of Federal motor carrier safety regulations to the commercial operation of 15-passenger vans.

SEC. 205. DEFINITION.

In this title, the term ''15-passenger van'' means a van designed or used to carry 9 to 15 passengers, including the driver.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

H.R. 1527

OFFERED BY: MR. UDALL OF COLORADO

Amendment No. 3: Page 2, after line 3, insert the following:

TITLE I—NATIONAL TRANSPORTATION SAFETY BOARD

Page 2, line 4, strike ''2'' and insert ''101''.
Page 3, line 3, strike ''3'' and insert ''102''.
Page 3, line 20, strike ''4'' and insert ''103''.
Page 5, line 6, strike ''5'' and insert ''104''.
Page 6, line 13, strike ''6'' and insert ''105''.

Page 6, after line 16, add the following:

TITLE II—ENHANCED VAN SAFETY

SEC. 201. DYNAMIC ROLLOVER TESTING PROGRAM.

(a) REQUIREMENT FOR ROLLOVER TESTING.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, under section 30117(c) of title 49, United States Code, shall—

(1) develop a dynamic test on rollovers by 15-passenger vans for the purposes of a consumer information program; and

(2) carry out a program of conducting such tests.

(b) AMENDMENT.—Section 30117(c) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''Not later than 2 years from the date of the enactment of this subsection,''; and

(2) in paragraph (3) by inserting after ''or less'' the following: '', and to vans designed or used to carry 9 to 15 passengers, including the driver, irrespective of gross vehicle weight rating''.

SEC. 202. NEW CAR ASSESSMENT PROGRAM.

The Secretary of Transportation shall require the testing of 15-passenger vans at various load condition levels as part of the rollover resistance program of the National Highway Traffic Safety Administration's new car assessment program.

SEC. 203. TESTING AND EVALUATION OF VAN STABILITY TECHNOLOGICAL SYSTEMS.

(a) REQUIREMENT FOR TESTING AND EVALUATION.—The Secretary of Transportation shall test and evaluate various technological systems to determine the effectiveness of such systems in assisting drivers of 15-passenger vans to control the vans under conditions that cause vehicle rollover.

(b) SYSTEMS TESTED.—The technological systems tested and evaluated under this section shall include electronic stability control systems, rear-view mirror-based rollover warning systems, traction systems, lane departure systems, and antilock brakes.

(c) CONSULTATION.—The Secretary of Transportation shall consult with manufacturers of 15-passenger vans in the testing and evaluation of technological systems under this section.

SEC. 204. APPLICATION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule initiated pursuant to the proposed rulemaking published in the Federal Register on January 11, 2001, Docket No. FMCSA–2000–7017, relating to the application of Federal motor carrier safety regulations to the commercial operation of 15-passenger vans.

SEC. 205. DEFINITION.

In this title, the term ''15-passenger van'' means a van designed or used to carry 9 to 15 passengers, including the driver.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE III—APPLICABILITY OF SCHOOL BUS SAFETY STANDARDS

SEC. 301. PROHIBITION ON PURCHASE, RENTAL, OR LEASE OF NONCOMPLYING 15-PASSENGER VANS FOR USE AS SCHOOLBUSES.

(a) PROHIBITION.—Section 30112(a) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except as provided in this section''; and

(2) by adding at the end the following:

''(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a person may not purchase, rent, or lease any motor vehicle designed or used to transport 9 to 15 passengers that the person knows or reasonably should know will be used significantly to transport children from child care and preprimary, primary, and secondary school students to or from a child care facility, school, or an event related to school, unless the motor vehicle complies with the motor vehicle standards prescribed for schoolbuses under section 30125 of this title.''.

(b) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to any purchase, rental, or lease of a motor vehicle required under a contract entered into before the date of enactment of this Act.

SEC. 302. PENALTY.

Section 30165(a)(1) of title 49, United States Code, is amended—

(1) by striking ''A'' before ''person'' and inserting ''(A) Except as provided in subparagraph (B) of this paragraph, a''; and

(2) by adding at the end the following:

''(B) The maximum amount of a civil penalty under this paragraph shall be $25,000, in the case of—

''(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a schoolbus or schoolbus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

''(ii) a violation of section 30112(a)(2) of this title.

''(C) Subparagraph (B) does not affect the maximum penalty that may be imposed under subparagraph (A) for a related series of violations.

''(D) Notwithstanding section 3302(b) of title 31, penalties collected under subparagraph (B)—

''(i) shall be credited as offsetting collections to the account that funds the enforcement of subparagraph (B);

''(ii) shall be available for expenditure only to pay the costs of such enforcement; and

''(iii) shall remain available until expended.''.